

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
By: JOSEPH A. PANTOJA
Assistant United States Attorney
86 Chambers Street
New York, New York 10007
Tel. No. (212) 637-2785
Fax. No. (212) 637-2750
E-mail: joseph.pantoja@usdoj.gov

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----	x	
UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	07 Civ. 4651 (SHS)
-against-	:	
	:	
WILLIAM WRIGHT, 310 WEST 56th STREET	:	
CORPORATION, BAYVIEW LOAN	:	
SERVICING LLC, NEW YORK STATE	:	
DEPARTMENT OF TAXATION AND	:	
FINANCE, AMERICAN EXPRESS CENTURION	:	
BANK, NEW YORK CITY DEPARTMENT OF	:	
FINANCE, and JOHN DOES 1-10,	:	
	:	
Defendants.	:	
-----	x	

DECLARATION OF JOSEPH A. PANTOJA

JOSEPH A. PANTOJA, pursuant to 28 U.S.C. § 1746, declares the following under penalty of perjury:

1. I am an Assistant United States Attorney in the office of Michael J. Garcia, United States Attorney for the Southern District of New York, attorney for plaintiff in the above-captioned action. I have been assigned to defend this matter and am familiar with the proceedings herein. I make this declaration in support of plaintiff's motion for summary judgment.

2. Attached to this declaration as Exhibit A is a true and correct copy of the Contract of Sale reflecting defendant William Wright's purchase of his interest in Apartment 14A, 310 West 56th Street, New York, New York, that was produced by defendant 310 West 56th Street Corporation ("310 Corporation") in discovery in this matter.

3. Attached to this declaration as Exhibit B are true and correct copies of the Assignment of Proprietary Lease between Richard Herz, as assignor, to William Wright and Marilyn Wright, as assignees, dated August 6, 1982; the Acceptance of Assignment and Assumption of Lease signed by William Wright and Marilyn Wright dated August 6, 1982; and a consent dated August 3, 1982, and executed by 310 Corporation with respect to the referenced assignment of the proprietary lease and 181 shares of stock in 310 Corporation to William Wright and Marilyn Wright, that were produced by 310 Corporation in discovery in this matter.

4. Attached to this declaration as Exhibit C is a true and correct copy of the certificate for 181 shares of 310 Corporation's stock that issued to William Wright and Marilyn Wright in connection with their purchase of the Apartment, as produced by 310 Corporation in discovery in this matter.

5. Attached to this declaration as Exhibit D are true and correct copies of the Assignment of Proprietary Lease between William Wright and Marilyn Wright, as assignors, to William Wright, as assignee, dated May 2, 1985, and the Acceptance of Assignment and Assumption of Lease signed by William Wright and dated May 2, 1985, that were produced by 310 Corporation in discovery in this matter.

6. Attached to this declaration as Exhibit E are true and correct copies of the Cooperative Apartment Loan Security Agreement, dated May 2, 1985, and the Cooperative

Apartment Adjustable Rate Note, dated May 2, 1985, executed between Empire of America Federal Savings Bank (“Empire”) and William Wright, that were produced by defendant Bayview Loan Servicing LLC (“Bayview”) in discovery in this matter.

7. Attached to this declaration as Exhibit F are true and correct copies of Uniform Commercial Code filings relating to financial institutions’ security interest in the Apartment, as predecessors in interest to Bayview.

8. Attached to this declaration as Exhibit G is a true and correct copy of the certificate of ownership issued to William Wright for the 181 shares corresponding to the Apartment and that was produced by Bayview in discovery in this matter.

9. Attached to this declaration as Exhibit H is a true and correct copy of the proprietary lease for the Apartment that was produced by 310 Corporation in discovery in this matter.

10. Attached to this declaration as Exhibit I is a true and correct copy of a loan servicing letter, dated May 2, 2007, from Bayview to William Wright, that was produced by Bayview in discovery in this matter.

11. Attached to this declaration as Exhibit J is a true and correct copy of the docket sheet available on PACER for the above-captioned matter as of May 27, 2008.

12. Attached to this declaration as Exhibit K is a true and correct copy of 310 Corporations responses to plaintiff’s interrogatories in this matter without the attachments that accompanied it.

Dated: May 30, 2008
New York, New York

/s/ Joseph A. Pantoja
JOSEPH A. PANTOJA